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DEPARTMENT FOR EUR/AGS, EUR/PGI, S/CT

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SUBJECT: Authorities Pressure Former RAF Members to Talk

REF: 07 Frankfurt 594

Sensitive but unclassified; not for internet distribution.

¶1. SUMMARY: The future of former RAF terrorist Christian Klar, who was scheduled to be freed from prison in 2009, hangs in the balance following the Baden-Wuerttemberg Justice Ministry's decision to rescind his privileges and postpone his release on the grounds that he poses a risk of escaping. The action follows a federal court decision to extend his detention and re-imprison two already-released former RAF members in an attempt to obtain testimony in an ongoing investigation. The fate of Klar and his former associates remains a hot-button issue in Germany, testing public attitudes on the role of the judicial system in fighting terrorism. END SUMMARY.

¶2. Baden-Wuerttemberg (B-W) Minister of Justice Ulrich Goll (Free Democratic Party - FDP) decided February 1 to rescind limited privileges enjoyed by Christian Klar and postpone his release to an "unspecified point in time." In spring 2007, state judicial authorities had granted him several privileges to ease his reintegration into society in order to prepare him for release, which was originally planned for early 2009. Since that time, Klar had been allowed to leave the prison three times without ankle bracelets in the company of prison guards. The B-W Justice Ministry explained its decision by saying that, because Klar is under pressure to testify in an ongoing investigation, there is a renewed danger of his escaping. Klar's attorney, Hans-Juergen Schneider, has already appealed the decision to the Federal Criminal Court (Bundesgerichtshof - BGH) in Karlsruhe.

¶3. BACKGROUND: Klar is one of the former leaders of the second generation of the extreme left terrorist group Red Army Faction (RAF) that terrorized Germany in the 1970s and 1980s. He was imprisoned in 1982 after being found guilty of nine counts of murder. While it is considered unlikely that Klar, who is fifty-five, would try to escape, the decision may be a further attempt to make him give information on the 1977 RAF murder of Federal Prosecutor Siegfried Buback.

¶4. The move follows the BGH decision in late December 2007 to extend Klar's imprisonment by six months and detain for six months former RAF members Brigitte Mohnhaupt and Knut Folkerts in order to coerce them into giving information on the Buback murder. Mohnhaupt and Folkerts, who were released from prison in March 2007 and October 1995 respectively, have announced they will appeal the decision. Mohnhaupt is currently on probation.

¶5. The Office of the Federal Prosecutor decided in April 2007 to resume investigations of the Buback murder. In the spring of 2007, former RAF terrorist Peter-Juergen Boock told Michael Buback, Siegfried Buback's son, that another RAF member, Stefan Wisniewski, had shot his father. The original investigation had found Klar, Mohnhaupt and Folkerts guilty of murdering Buback, but all three refused to testify on the crime. The continuing refusal of former RAF members to give information or express remorse has frustrated

investigators and turned public sentiment against their early release.

¶6. COMMENT: More than thirty years after the RAF assassinations of several high-ranking German officials, German public opinion continues to be divided between those who advocate tough punishments for terrorists and those who argue that the RAF members are no longer a threat to society. The release of Mohnhaupt in 2007 and the awarding of privileges to Klar exposed deep divisions in German society on the role of punishment in the judicial system. The new rulings against Klar will once again bring attention to this unresolved debate. END COMMENT.

¶7. This cable was coordinated with Embassy Berlin.  
POWELL